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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LIONEL FOLGER,

Plaintiff,

-against-

**EQUIFAX INFORMATION SERVICES,
LLC, ET AL.,**

Defendants.

19-cv-08304 (ALC)

ORDER

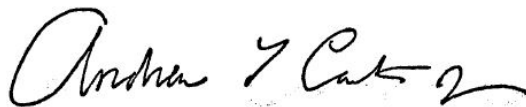
ANDREW L. CARTER, JR., United States District Judge:

On January 12, 2021, the parties filed a joint status report requesting an administrative dismissal of this action without prejudice pending the conclusion of the arbitration. ECF No. 38. The Court then issued an Order to Show Cause why this case should not be stayed pending arbitration as opposed to dismissed. ECF No. 39. The parties filed a joint response asserting that this matter is distinguishable from *Katz v. Cellco P'ship*, 794 F.3d 341 (2d Cir. 2015). ECF No. 40. The parties proposed “simply stipulat[ing] to dismiss th[is] action, without prejudice, as to American Express.” ECF No. 40 at 1 n.1.

Accordingly, Plaintiff is hereby ORDERED to file a stipulation of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). The stipulation should cover the remaining Defendants in this case, i.e., American Express Co. and American Express National Bank.

SO ORDERED.

**Dated: January 28, 2021
New York, New York**



**ANDREW L. CARTER, JR.
United States District Judge**